STATE OF NEW YORK

5155

2019-2020 Regular Sessions

IN ASSEMBLY

February 7, 2019

Introduced by M. of A. SCHIMMINGER, JONES, DiPIETRO -- read once and referred to the Committee on Labor

AN ACT directing the empire state development corporation to study a proposed rule of the department of labor prior to its adoption

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative intent. The legislature recognizes the importance of the administrative rulemaking of agencies of state governments. The state administrative procedure act (SAPA) was enacted to ensure uniform and equitable practices to meet the public interest. SAPA provides for a job impact analysis by an agency to evaluate the potential impact of a proposed rule on jobs and employment opportunities. SAPA also requires a regulatory impact statement and a regulatory flexibility analysis for small business, which includes a study of costs and economic impact.

§ 2. Notwithstanding any law, rule or regulation to the contrary, the proposed rule contained in the November 22, 2017 State Register (LAB-47-17-00011-P) by the New York state department of labor, which would revise the call-in pay requirements of the minimum wage order for miscellaneous industries and occupations (12 NYCRR Part 142 at §§ 142-2.3 and 142-3.3) shall not be filed by the department of labor with the secretary of state and published in the state register until not less than 90 days after completion of a study providing additional evaluation of the potential impact of the rule by the empire state development corporation as provided for in this act.

§ 3. The empire state development corporation shall, in conjunction with a third party, undertake a study to provide additional evaluation on the additional impacts on jobs and employment opportunities, cost and the economic impact, particularly on small businesses, of the proposed rule referenced herein. Stakeholders impacted by this rule shall be contacted to obtain information. Upon completion, such study shall be

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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provided to the department of labor. Such study, including the additional evaluation of the potential impacts, shall be considered a public comment for the purposes of article two of the state administrative procedure act and shall be analyzed and summarized in any assessment of public comments. The department of labor shall make every effort to minimize any impacts determined by the empire state development corporation.

§ 4. This act shall take effect immediately.